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FILED
 CLERK'S OFFICE

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September 14, 2004

U.S. DISTRICT COURT
 DISTRICT OF MASS.

04-30205-MAP

Dear Honorable Judge Ponsor,

With all due respect, Sir, I am writing to you about my current situation, asking you kindly for your guidance and assistance in this urgent matter. I am indigent and do not have an attorney to represent me. On August 1999, I pleaded guilty to possession of an illegal firearm and the judge sentenced me to eighteen (18) months to the Hampden County house of correction (Ludlow). On June 2000, after completing my sentence, the State handed me over to immigration (Hartford), and on July 24, 2000, immigration attempted to deport me on a final order of removal to Jamaica, my country of birth. On this same date, assistant district attorney from the Springfield District Attorney's office accompanied by State Trooper Daniel Soto came to the immigration office in Hartford and request that I be remanded into state custody as a material witness.

Your Majesty, I pleaded my situation both to Mr. Carr and to trooper Soto letting them know that if I testify in such a case I could never return to Jamaica for I will be killed because of the accused affiliation with the Jamaican police force as also other officials. I earnestly pleaded to Mr. Carr to let me return to Jamaica while I have no problem to return. He stated that he is aware of what I might be facing but he couldn't make me any promises BUT when we get to that bridge, we will cross it. On September 19, 2000 a judge remanded me to the Franklin County H/C as a material witness. On November 2000, I testified in this case. The jurors found the accused, David Morgan an ex police officer from Jamaica guilty of first degree murder and sentenced him to life without parole. In 2001, the case was closed and I was never handed over back to immigration.

Your Majesty, I realized that Mr. Carr or Mr. Soto is not doing anything to have me released from detention. So, because of the new evidence in my immigration status, in May 2001, I filed a Motion to the BIA or ("Board") to reopen my order of removal due to exceptional circumstances. The motion was "denied" as untimely filed. On August 16, 2004, I filed another motion to the "Board" Motion to reopen to apply for

Withholding of Removal based on new evidence. That motion was also "denied" on September 8, without even being looked at. Please find copies of both decisions attached.

Your Majesty, I would like to proceed to Springfield's U.S. District Court to have my case heard but I do not know where to begin and that's my main reason for writing this letter to you. Sir, I believe the State has violated my rights by remanding me for four years. I cannot return to Jamaica or I will be killed. In September 2002, my sister wrote me a letter stating that police officers in Jamaica are awaiting my return to kill me because I testified on their friend for the U.S. government. Sir, I'm asking you kindly if you could appoint me an attorney to assist me with proceeding to the federal court in order for me to be given any possible relief that is right and just. Sir, I thank you kindly for your time and patience in this urgent matter and I look forward for your reply. Thank you kindly.

Respectfully,

Warren Smith
A# 75-285-472